

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA JUANA QUIZHPI GUAMAN,

Plaintiff,

-v-

ROCKLAND COUNTY,

Defendant.¹

No. 19-CV-11663 (KMK)

ORDER OF DISMISSAL

KENNETH M. KARAS, District Judge:

Pro se Plaintiff Maria Juana Quizhpi Guaman (“Plaintiff”) brought this Action against Defendant Rockland County (“Defendant”), seeking damages for violations of her rights under the Fourth Amendment. Plaintiff filed her complaint on December 19, 2019, and filed an Application to proceed in forma pauperis the same day. (Dkt. Nos. 1–2.) On January 21, 2020, in forma pauperis status was granted. (Dkt. No. 3.)

On January 27, 2020, the Court issued an Order directing Plaintiff to show cause, by February 27, 2020, why the case should not be dismissed, pursuant to 28 U.S.C. § 1915(e)(2)(B), for failure to state a claim. (Dkt. No. 5.) *See Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (noting that claims brought by plaintiffs proceeding in forma pauperis may be dismissed where the claim is “based on an indisputably meritless legal theory”).

On February 26, 2020, Plaintiff filed a request for an extension. (Dkt. No. 6.) Two days later, Plaintiff filed an affidavit providing greater detail about the alleged incident. (Dkt. No. 8.)

¹ Plaintiff initially named Rockland County Sheriff’s Department as Defendant. However, pursuant to the Court’s duty to construe pro se pleadings liberally, *see Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and its power to substitute parties “on just terms,” *see* Fed. R. Civ. P. 21, the Court substituted Rockland County as Defendant. (See Dkt. No. 5.)


The affidavit did not, however, address the substantive pleading deficiencies identified by the Court, namely a failure to plead Defendant's personal involvement in the alleged constitutional violation. (See Dkt. Nos. 5, 8.) On March 2, 2020, the Court granted Plaintiff's request for an extension, setting a new deadline of March 16, 2020 to respond to the Court's January 27, 2020 Order to Show Cause. (Dkt. No. 7.) Plaintiff has provided no further response.

Accordingly, for substantially the reasons stated in its Order to Show Cause of January 27, 2020, the case is dismissed without prejudice. See *Turner v. Cimorelli*, No. 20-CV-0643, 2020 WL 1033594, at *2 (S.D.N.Y. Mar. 2, 2020) (dismissing a case under § 1915(e)(2)(B) for failure to plead personal involvement of the defendants); *Wen-Hwa Shieh v. Rodriguez*, No. 19-CV-5306, 2020 WL 764247, at *3 (S.D.N.Y. Feb. 14, 2020) (same).

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: March 23, 2020
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE